

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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Office: (317) 232-2701
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IN THE MATTER OF THE PETITION OF THE)
CITY OF CARMEL, INDIANA, REQUESTING)
THE INDIANA UTILITY REGULATORY)
COMMISSION FOR A DETERMINATION OF THE)
VALUE OF CERTAIN PROPERTY OF THE)
CONSOLIDATED CITY OF INDIANAPOLIS,)
INDIANA, AND ITS DEPARTMENT OF)
WATERWORKS, FOR AUTHORITY TO ISSUE)
BONDS, NOTES, OR OTHER OBLIGATIONS AND)
FOR APPROVAL OF A SCHEDULE OF RATES)
AND CHARGES FOR WATER SERVICE FOR)
ACQUIRED CUSTOMERS.)

CAUSE NO. 42725

FILED

OCT 04 2005

INDIANA UTILITY
REGULATORY COMMISSION

RESPONDENT: THE CONSOLIDATED)
CITY OF INDIANAPOLIS, INDIANA, AND)
ITS DEPARTMENT OF WATERWORKS.)

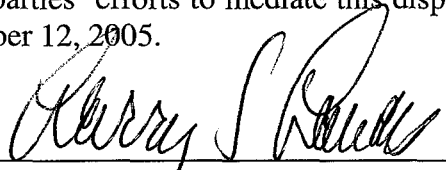
You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On September 7, 2005, the Indiana Office of the Utility Consumer Counselor ("OUCC") filed a *Motion for Commission Ordered Mediation* ("Motion") in this Cause. In its Motion the OUCC requests that the Commission, pursuant to 170 IAC 1-4-1, order the parties to engage in mediation. The OUCC indicates that due to the unusual nature of this proceeding, formal mediation, conducted in the manner described in 170 IAC 1-4-1 *et seq.*, would make a resolution of this unique dispute more likely to occur, avoid further expense, and promote both judicial and administrative economy.

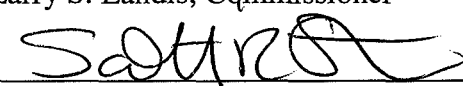
On September 19, 2005, the City of Carmel, Indiana ("Carmel") filed its *Response in Support of the Office of Utility Consumer Counselor's Motion for Commission Ordered Mediation* ("Response"). In its Response Carmel expressed a willingness to participate in mediation and requested that the Commission grant the Motion. However, Carmel also indicated that, consistent with its desire to avoid delaying the transaction contemplated by the Agreement, that the Commission require the parties to select a mediator within seven (7) days from the date the Commission orders mediation. Carmel also requested that the Commission require the parties to conclude mediation of this matter within forty-five (45) days of the date the Commission orders mediation. The City of Indianapolis, Indiana ("Indianapolis") did not file a response to the OUCC's Motion.

The Presiding Officers, having considered the Motion and being duly advised in the premises, hereby GRANT the Motion. Indianapolis and Carmel shall advise the Commission on or before October 12, 2005, of the name of the mediator selected and the anticipated timeframe for completion of mediation. As to not delay the Evidentiary Hearing currently scheduled for November 17, 2005, a report on the status of the parties' efforts to mediate this dispute shall be submitted to the Commission no later than November 12, 2005.

IT IS SO ORDERED.



Larry S. Landis, Commissioner



Scott R. Storms, Chief Administrative Law Judge

DATE: October 4, 2005